

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Joseph Birriterri, M.B.

Petition No. 890703-25-004

CONSENT ORDER

WHEREAS, Joseph Birriterri of New Britain, Connecticut, has been issued license number 002239, to practice barbering by the Department of Health Services pursuant to Chapter 386 of the General Statutes of Connecticut, as amended; and

WHEREAS, Joseph Birriterri, hereinafter referred to as the Respondent, hereby admits as follows:

1. That on or about January 6, 1975, Joseph Birriterri was issued a Connecticut barber's license.
2. That on or about December 31, 1981, said license expired.
3. That Joseph Birriterri has not held a Connecticut barber's license since that time.
4. That on or about May 12, 1986, the Connecticut Board of Barbers, Hairdressers and Cosmetologists found that the Respondent continued to practice barbering during such time as he did not hold a license.
5. That on or about May 1, 1986, the Respondent was convicted of possession with intent to distribute a controlled substance, and was sentenced to prison, followed by a parole term of six years.

NOW THEREFORE, pursuant to §19a-17 and §20-238 of the General Statutes of Connecticut, Joseph Birriterri hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;
2. That he has successfully completed the ETS written licensing exam, as of August 1989;
3. That he shall continue to participate in a drug aftercare program under the guidance of the United States Probation Office until May 1, 1992.
4. That he shall continue to follow all other terms of parole, as set out in the conditions of release, attached as "Exhibit A".
5. That the Department of Health Services, may, at its discretion, check with his parole officer to ensure compliance with all terms of parole.
6. That any deviation by the Respondent from the terms of probation specified in the conditions of parole shall constitute a violation of probation and will result in the following procedure:
 - a. That he will be notified in writing that the term(s) of probation have been violated provided no prior written consent for deviation from the term(s) had been granted by the Department of Health Services or the United States Probation Office.
 - b. That said notification shall include the act(s) or omission(s) which violate the probation.

- c. That he will be allowed fifteen (15) days to demonstrate to the Department of Health Services that he was in compliance with the terms of probation, or to cure the violation of the terms of probation.
 - d. That if he does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department of Health Services, his license shall be suspended for a period of three (3) years or he shall be entitled to a hearing, at the Respondent's option.
 - e. He must initiate said hearing through a written request by certified mail to the Department of Health Services within fifteen (15) days from notification of violation of probation.
 - f. He shall be entitled to a hearing before the Connecticut Medical Examining Board of Examiners for Barbers, Hairdressers and Cosmetologists.
 - g. Evidence presented to said Board by either the Department of Health Services or Respondent shall be limited to the alleged violation(s) of the term(s) of probation.
7. That he shall pay a civil penalty of \$250.00, by certified check, payable to "Treasurer-State of Connecticut".
8. That he understands that this Consent Order may be considered as evidence of the above admitted conduct in any proceeding before the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmetologists. (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-238 of the General Statutes of Connecticut, as amended, is at issue.

9. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
10. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
11. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
12. That he has the right to consult with an attorney prior to signing this document.

*

*

*

I, Joseph Birriterri, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Joseph Birriterri
Joseph Birriterri

Subscribed and sworn to before me this 27th day of September 1989.

Robert N. Roy
Notary Public or person authorized
by law to administer an oath or
affirmation

ROBERT N. ROY
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1993

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 27th day of September 1989, it is hereby ordered and accepted.

Stanley K. Peck
Stanley K. Peck, Director
Division of Medical Quality Assurance

JOSEPH BIRRAIRI

CRIMINAL, H-35-76(JAC)

DEFENDANT

DOCKET NO.

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (3/72)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH DAY YEAR
MAY 1, 1986

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have
counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

John Barberri

(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE, ☐ NOT GUILTY
FINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of violation of Title 21, United States
Code, Section 841(a)(1) (possession with intent to distribute a Schedule II con-
trolled substance - Cocaine) as charged in count 1. Counts 2, 3, and 4 are
dismissed.

no basis for indictment

no basis for indictment

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary
was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant
hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Six (6)
years followed by a Special Parole Term for a period of Six (6) years pursuant to
Title 21, United States Code, Section 841(a)(1), and a committed fine of Ten
Thousand Dollars (\$10,000.00).

no basis for indictment

SPECIAL
CONDITIONS
OF
PROBATION

RECEIVED
MAY 07 1986

RECEIVED
MAY 6 1986

S. PROBATION OFFICER
NEW HAVEN

MAY 9 1986
U.S. PROBATION OFFICER
BRIDGEPORT
HARTFORD

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on
reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation,
at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant
revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,
that the defendant be placed in institution that can pro-
vide drug rehabilitation and drug after care treatment.

JED BY

☒ U.S. District Judge

☐ U.S. Magistrate

JOSE A. CABRANES, U.S.D.J.

Date

5/2/86

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Ma-
gistrate or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

By: _____ CLERK
() DEPUTY

U.S. Department of Justice
United States Parole Commission

RECEIVED

JUN 5 1989



Chesapeake, Maryland 20815

U.S. PROBATION OFFICE
HARTFORD

Certificate of Parole TO THE ACTUAL PHYSICAL
custody of detaining authorities, if detainer not exercised
parole June 1, 1989 to an approved plan

Know all Men by these Presents:

It having been made to appear to the United States Parole Commission

that BIRRIFFI, JOSEPH, Register No. 08756-014, a prisoner in

the FDC, CAEDALE is eligible to be PAROLED, and in that said prisoner substantially observed the rules of the institution, and in the opinion of the Commission said prisoner's release would not depreciate the seriousness of this offense or promote disrespect for the law, and would not jeopardize the public welfare, it is ORDERED by the said United States Parole Commission that said prisoner be

PAROLED on MAY 1, 1989; and that said prisoner is to remain within the limits of CT until MAY 1, 1992.

Given under the hands and the seal of the United States Parole Commission this 21st day of APRIL, nineteen hundred and 89.

RECEIVED

JUN 5 1989

3. PROBATION OFFICER
NEW HAVEN

UNITED STATES PAROLE COMMISSION

JOSEPH L. SPERAN, SOCIAL SERVICE TECH

Initial Risk Category 1A

Advisor

Probation Officer

CUSPO, MARIA RODRIGUES MARRIDE, DISTRICT OF CONNECTICUT

I have read, or had read to me, the conditions of release printed on the reverse of this certificate and received a copy thereof, I fully understand them and know that if I violate any, I may be recommitted. I also understand that the law requires the Parole Commission to revoke my parole if I am found by the Commission to have possessed any illegal controlled substance. I also understand that special conditions may be added or modifications of any condition may be made by the Parole Commission upon notice required by law.

Joseph Birri
Mark A. Perrodin
WITNESSED Mark A. Perrodin

case manager, Evangeline 2

(Title)

UNITED STATES PAROLE COMMISSION

The above-named person was released on the 1st day of May, 1989 with a total of 1096 days remaining to be served.

O.C. Jenkins, Warden

(Chief Executive Officer)

CONDITIONS OF RELEASE

1. You shall go directly to the district shown on this CERTIFICATE OF RELEASE (unless released to the custody of other authorities). Within three days after your arrival, you shall report to your parole advisor if you have one, and the United States Probation Officer whose name appears on this Certificate. If in any emergency you are unable to get in touch with your parole advisor, or your probation officer or the United States Probation Office, you shall communicate with the United States Parole Commission, Department of Justice, Chevy Chase, Maryland 20815.
2. If you are released to the custody of other authorities, and after your release from physical custody of such authorities, you are unable to report to the United States Probation Officer to whom you are assigned within three days, you shall report instead to the nearest United States Probation Officer.
3. You shall not leave the limits fixed by this CERTIFICATE OF RELEASE without written permission from your probation officer.
4. You shall notify your probation officer within 2 days of any change in your place of residence.
5. You shall make a complete and truthful written report (on a form provided for that purpose) to your probation officer between the first and third day of each month, and on the final day of parole. You shall also report to your probation officer at other times as your probation officer directs, providing complete and truthful information.
6. You shall not violate any law. Nor shall you associate with persons engaged in criminal activity. You shall get in touch within 2 days with your probation officer or the United States Probation Office if you are arrested or questioned by a law-enforcement officer.
7. You shall not enter into any agreement to act as an "informer" or special agent for any law-enforcement agency.
8. You shall work regularly unless excused by your probation officer, and support your legal dependents, if any, to the best of your ability. You shall report within 2 days to your probation officer any changes in employment.
9. You shall not drink alcoholic beverages to excess. You shall not purchase, possess, use, or administer marihuana or narcotic or other habit-forming or dangerous drugs, unless prescribed or advised by a physician. You shall not frequent places where such drugs are illegally sold, dispensed, used or given away.
10. You shall not associate with persons who have a criminal record unless you have permission of your probation officer.
11. You shall not possess a firearm or other dangerous weapon.
12. You shall permit confiscation by your probation officer of any materials which your probation officer believes may constitute contraband in your possession and which your probation officer observes in plain view in your residence, place of business or occupation, vehicle(s) or on your person.
13. You shall make a diligent effort to satisfy any fine, restitution order, court costs or assessment, and/or court ordered child support or alimony payment that has been, or may be, imposed, and shall provide such financial information as may be requested, by your Probation Officer, relevant to the payment of the obligation. If unable to pay the obligation in one sum, will cooperate with your Probation Officer in establishing an installment payment schedule.

SPECIAL CONDITIONS: (Applicable only if indicated)

- JJ* () You shall participate as instructed by your probation officer in a program approved by the Parole Commission for treatment of narcotic addiction or drug dependency, which may include testing and examination to determine if you have reverted to the use of drugs.
- () You shall participate in a community based program for the treatment of alcoholism as directed by your probation officer.
- () You shall participate in an in-patient or an out-patient mental health program as directed by your probation officer.
- () You shall reside in and participate in a program of the Community Treatment Center as instructed until discharge by the Center Director, but no later than 120 days from admission.
- () Other:

This CERTIFICATE will become effective on the day of release shown on the reverse side. If the release fails to comply with any of the conditions listed above, the release may be summoned to a hearing or retaken on a warrant issued by a Commissioner of the U.S. Parole Commission and reimprisoned pending a hearing to determine if the release should be revoked.

Information concerning a release under the supervision of the U.S. Parole Commission may be disclosed to a person or persons who may be exposed to harm through contact with that particular release if such disclosure is deemed to be reasonably necessary to give notice that such danger exists. Information concerning releasees may be released to a law enforcement agency as required for the protection of the public or the enforcement of the conditions of the release.